

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2237 – SB 2635

March 5, 2012

SUMMARY OF AMENDMENT (013454): Deletes all language after the enacting clause. Authorizes dismissal or suspension of a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct, and insubordination as defined in Tenn. Code Ann. § 49-5-501. Denies a hearing for teacher who is suspended three days or less but requires the director of schools to give such teachers written notice of suspension including reasons for the suspension and any evidence supporting the suspension. Authorizes such teachers to make a written request for a conference with the director of schools within five days of receiving the notice of suspension. Requires the director of schools to hold a conference at which time the teacher may offer rebuttal. The teacher and director of schools may be represented by an attorney or other representative. Requires the director of schools to record the conference and to provide a copy to the teacher, upon request. The director of schools shall issue a written decision within 10 days of the conference and is prohibited from imposing any additional punishment beyond that described in the original notice of suspension. Authorizes the teacher to appeal the director's decision in chancery court.

States that this act shall not nullify or modify any recognition entered into before the effective date of the act between a board of education and a professional employees' organization until such agreement is terminated. To the extent that the act and the agreement are in conflict, the agreement shall control the method by which suspension of three days or less of tenured teachers are heard. Upon the termination of the existing agreement or if no conflict exists, then the act shall control how such suspensions of tenured teachers are handled. Section 5 adds a severability clause to the act.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures – Not Significant

Decrease Local Expenditures - \$2,800

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Decrease State Expenditures – Not Significant

Decrease Local Expenditures - \$700

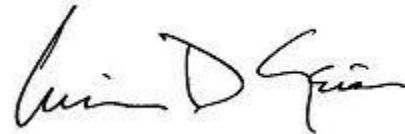
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Assumptions applied to amendment:

- Teachers will no longer have the ability to request a hearing for disciplinary action resulting in a suspension of three days or less.
- According to the Comptroller of the Treasury Office of Research and Education Accountability (OREA), disciplinary hearings are not common occurrences in most local education agencies (LEAs).
- According to the Secretary of State's Office, Administrative Procedures Division (APD), administrative judges heard ten disciplinary cases in 2011. Six cases were terminations, three were suspensions of five to four days, and one was a suspension of three days or less. Most disciplinary cases are heard by APD judges.
- The APD charges \$100 per hour to utilize its judges. Each case requires seven hours of work resulting in a cost to local government of \$700 (7 hrs x \$100) per case.
- The number of cases heard by APD judges will decrease by one each year. Local governments will decrease expenditures by \$700 (\$700 x 1 case).
- The total decrease in cases and local expenditures will be dependent upon the actual number of hearings that would have been held in the absence of this bill.
- Based on information provided by the Administrative Office of the Courts, the number of such cases heard in a chancery or appellate court is low. Any decrease in state or local government expenditures as a result of fewer cases being heard in the court system will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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